

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

February 7, 2007

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
Neil Bhatt
Laura Dupuy
Rhonda Harmon
Martin Maples
Robert Ruais

The following Board Members were not present: Cynthia Clare, Mark Berven, Jeffrey Adkins, Penny Johnson, and James Schuyler

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
David Ashe, Chief Deputy Director
Karen O'Neal, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Chris Olson, Administrative Assistant
Deanda Shelton, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Robert Whittaker, Program Conciliator
Mally Dryden-Mason – Consumer Education Coordinator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 11:40 AM.

Call to Order

A motion was made by Ms. Harmon and seconded by Mr. Maples to approve the Agenda. The motion passed unanimously. Members voting

Agenda

"Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

A motion was made by Ms. Harmon and seconded by Mr. Bhatt to approve the following minutes as amended: November 29, 2006, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

Minutes

No one addressed the Board during the **Public Comment period**.

Public Comment

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

Fair Housing
Administrators Report

In the matter of **FHB File Number 2005-04587, Victor Valerio and American Mogolon v. Chase Manhattan Mortgage Corporation and William Harrison, Jr.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Victor Valerio, the complainant, was present and addressed the Board through translation by Mally Dryden-Mason. A motion was made by Ms. Harmon and seconded by Ms. Dupuy to refer this matter to the Attorney Generals Office for an Official Consultation Memorandum. After discussion the motion was withdrawn and the Board agreed without dissent to defer this matter until the next Board meeting to allow staff the opportunity to collect additional information.

FHB File Number 2005-
04587, Victor Valerio and
American Mogolon v.
Chase Manhattan
Mortgage Corporation
and William Harrison,
Jr.

In the matter of **FHB File Number 2006-02579, Kimberly Pettus v. The Smoketree Association, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Kimberly Pettus, the Complainant, and Godfrey Pinn, Attorney for the Complainant, were present and addressed the Board.

FHB File Number 2006-
02579, Kimberly Pettus v.
The Smoketree
Association, Inc.

At 12:10 PM. Mr. Maples made a motion which was seconded by Mr. Bhatt, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, David Ashe, Liz Hayes, and Deanda Shelton.

Closed Meeting

This motion is made with respect to the matter(s) identified as agenda item(s):

16. FHB File Number 2006-02579, Kimberly Pettus v. The Smoketree Association, Inc.

At 12:43 PM., a motion was made by Ms. Harmon and seconded by Mr. Ruais that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 6-0

AYES Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Adkins, Berven, Clare, Johnson, and Schuyler

In the matter of **FHB File Number 2006-02579, Kimberly Pettus v. The Smoketree Association, Inc.**, a motion was made by Ms. Harmon and seconded by Mr. Ruais to find reasonable cause against the respondents in the matter, due to discriminatory terms and conditions, refusal to accommodate, and retaliation based on disability. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

FHB File Number 2006-02579, Kimberly Pettus v. The Smoketree Association, Inc.

The Board agreed without dissent to defer issuing a charge for a period of thirty days to allow staff the opportunity to pursue conciliation.

A motion was made by Ms. Harmon and seconded by Mr. Ruais to find no reasonable cause against the respondents in the matter, due to discriminatory terms and conditions, refusal to accommodate, and retaliation based on race. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2006-04858, Barbara Rogers v. William Baxter and Lelia Baxter**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

FHB File Number 2006-04858, Barbara Rogers v. William Baxter and Lelia Baxter

In the matter of **FHB File Number 2006-04710, Kathy Miller v. Weldon and Brenda Overbay**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

FHB File Number 2006-04710, Kathy Miller v. Weldon and Brenda Overbay

In the matter of **FHB File Number 2007-00010, Josh Shapiro v. Oakdale Apartment Associates, L.P. t/a Sterling Oaks Apartments**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

FHB File Number 2007-00010, Josh Shapiro v. Oakdale Apartment Associates, L.P. t/a Sterling Oaks Apartments

In the matter of **FHB File Number 2006-04909, Amelia Newlan v. Paul and Betty Patterson**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

FHB File Number 2006-04909, Amelia Newlan v. Paul and Betty Patterson

In the matter of **FHB File Number 2007-00456, Ashley Meadows v. Thomas Dolce and Marti Rowntree**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

FHB File Number 2007-00456, Ashley Meadows v. Thomas Dolce and Marti Rowntree

In the matter of **FHB File Number 2006-01983, Leola Brown v. Architectural Review Committee and Board of Directors of West Neck Community Association, Inc. and Brett Campbell**, the Board reviewed the record which consisted of the Final Investigative Report and

FHB File Number 2006-01983, Leola Brown v. Architectural Review Committee and Board of

Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2006-04750, Helen J. Gamble v. M.S. Whitehead and C.W. Huff**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2005-01242, Bernice Younger v. W. Irvin Dawson**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2006-03787, Sreekanth and Maduri Padakanti v. Joe O'Malley and Larry Mizel**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2007-00716, Jacqueline Granati v. Robert M. Caton, Scott M. Tilitsky and Robert M. Caton and Scott M. Tilitsky LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2007-00749, Sandra Sawyers v. Theresa D. Kinder and Robert J. Kinder**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable

Directors of West Neck Community Association, Inc. and Brett Campbell

FHB File Number 2006-04750, Helen J. Gamble v. M.S. Whitehead and C.W. Huff

FHB File Number 2005-01242, Bernice Younger v. W. Irvin Dawson

FHB File Number 2006-03787, Sreekanth and Maduri Padakanti v. Joe O'Malley and Larry Mizel

FHB File Number 2007-00716, Jacqueline Granati v. Robert M. Caton, Scott M. Tilitsky and Robert M. Caton and Scott M. Tilitsky LLC

FHB File Number 2007-00749, Sandra Sawyers v. Theresa D. Kinder and Robert J. Kinder

cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

The Board considered the matters of **FHB File Number 2007-02063, Virginia Fair Housing Board v. Russell Wade; FHB File Number 2006-02117, David and Lisa Delgado v. Carl and Christine Ulrich; FHB File Number 2007-02216, Aleksei Lima-Semionova v. Charles and Lucile Shank; FHB File Number 2007-04749, Kevin Aiken v. Ronald T. Guthrie and Laverne Guthrie; FHB File Number 2007-02879, Katrina S. Jones v. Martin Blaney and Hopewell Redevelopment & Housing Authority; FHB File Number 2006-01033, Kathleen McKeon v. James Gurganus, Sharon Scruggs, Terry Bales Kenneth Johnson, and Williamsburg Redevelopment and Housing Authority; and FHB File Number 2006-05031, Ronnie and Buffy Terry v. Stephen Carlin Phillips.** A motion was made by Ms. Harmon and seconded by Mr. Ruais to approve the terms of the conciliation agreements as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

Conciliation Agreements

Tom Payne, Assistant Attorney General, discussed the proposed changes to the Board's Fair Housing Regulations. A motion was made by Ms. Harmon and seconded by Mr. Bhatt to accept the proposed Fair Housing fast track regulations as presented. The motion passed unanimously. Members voting "Yes" were Bhatt, Dupuy, Harmon, Maples, Ruais, and Rubinstein.

Fair Housing Fast Track Regulations

Ms. Martine updated the Board on pending legislation. No action was taken by the Board.

Legislation Update

There being no further business, the meeting adjourned at 1:10 PM.

Adjourn

David B. Rubinstein, Chairman

Fair Housing Board
Meeting Minutes
February 7, 2007
Page 7

Jay W. DeBoer, Secretary